

UNITED STATE BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:)
)
RESIDENTIAL CAPITAL, LLC et al.) Case No. 12-12020 (MG)
) Chapter 11
Debtor,) Jointly Administered

**REPLY AFFIRMATION IN SUPPORT OF
MOTION FOR RELIEF FROM AUTOMATIC STAY**

HSBC BANK USA, N.A. AS TRUSTEE FOR THE REGISTERED HOLDERS OF ACE SECURITIES CORP. HOME EQUITY LOAN TRUST, SERIES 2005-HE3, ASSET BACKED PASS-THROUGH CERTIFICATES (hereinafter “HSBC”) by and through its undersigned counsel, responds to the Affirmation In Limited Opposition of Lucienne Lombard (“Lombard”) as follows:

Lee E. Riger, an attorney duly admitted to practice before this Court hereby affirms the following to be true under penalty of perjury:

1. HSBC’s motion for relief from the automatic stay [Docket #7392] was filed on August 18, 2014.
2. HSBC seeks relief from the automatic stay in order to proceed with a litigation presently pending in the Supreme Court of the State of New York, Kings County (*Lucienne Lombard v. Farhaad Yacoob et al.*, *Index No. 36016/2005*)(the “State Court Action.”)
3. Lombard filed opposition to HSBC’s motion [Docket #7564]. Lombard’s opposition states that “LOMBARD does not oppose the relief sought by HSBC” but that there are certain “omissions” and “misstatements” in the procural history regarding the State Court litigation which “must be corrected.” See Doc. No. 7564, ¶3.

4. Notwithstanding that HSBC obviously disputes Lombard's interpretation of the factual and procedural history concerning the State Court Action, HSBC's recitation of the facts in support of its motion was intended solely to convey its standing to move for relief in this bankruptcy. HSBC has no interest in litigating the State Court action in this Court, nor is it likely that this Court has an interest in addressing the State Court matter on the merits.

WHEREFORE, in light of the foregoing and upon the failure of any party to file objections to the relief sought in HSBC's motion, it is respectfully requested that the Court grants HSBC's motion for relief from the automatic stay to pursue the State Court Action and for all other and further relief that this Court deems just and proper.

Dated: Melville, New York
September 23, 2014

Yours, Etc.

BALFE & HOLLAND, P.C.

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